

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this paper and the documents and/or fees referred to as attached herein are being deposited with the United States Postal Service on May 18, 2004 in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR §1.10, Mailing Label Number **EV332823046US**, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Jeffrey Ng

Attorney Docket No.: UDL1P063C1

First Named Inventor: Edward Almond

22278 U.S. PTO  
10/849574

**UTILITY PATENT APPLICATION TRANSMITTAL (37 CFR. § 1.53(b))**  
(Continuation, Divisional or Continuation-in-part application)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir: This is a request for filing a patent application under 37 CFR. § 1.53(b) in the name of inventors:  
**Edward Almond and Peter Moran**

• For: **SURGICAL SEAL**

Assigned to : Surgical Innovations Ltd.

This application is a ☒ Continuation ☐ Divisional ☐ Continuation-in-part

of prior Application No.: 09/866,461, filed May 24, 2001, from which priority under 35 U.S.C. §120 is claimed.

The specification has been amended to claim priority from the parent application, or such amendment is included in a separate sheet.

**Application Elements:**

☒ **09** Pages of Specification, Claims and Abstract

☒ **09** Sheets of formal Drawings

☒ Declaration

☐ Newly executed

☒ Copy from a prior application (37 CFR 1.63(d) for a continuation or divisional).  
The entire disclosure of the prior application from which a copy of the declaration is herein supplied is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

☐ Deletion of inventors Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

Accompanying Application Parts:

- ☐ Do not publish this application. Nonpublication Request is attached.
- ☐ Assignment and Assignment Recordation Cover Sheet (recording fee of \$40.00 enclosed)
- ☐ Power of Attorney
- ☐ 37 CFR 3.73(b) Statement by Assignee
- ☒ Information Disclosure Statement with Form PTO-1449 ☐ Copies of IDS Citations
- ☒ Preliminary Amendment (*New claims numbered after highest original claim in prior application.*)
- ☒ Return Receipt Postcard
- ☐ Other:

Claim For Foreign Priority

- ☐ Priority of Application No. filed on  
is claimed under 35 U.S.C. § 119.
- ☐ The certified copy has been filed in prior application U.S. Application No.
- ☐ The certified copy will follow.

• Extension of Time for Prior Pending Application

- ☒ A Petition for Extension of Time is being concurrently filed in the prior pending application. A copy of the Petition for Extension of Time is attached.

Fee Calculation (37 CFR § 1.16)

- ☐ Applicant is entitled to Small Entity Status under 37 C.F.R. §1.27.

	(Col. 1) Total Claims		(Col. 2) Claims	(Col. 3) Present Extra	Rate	Additional Fee
TOTAL	16	MINUS	20	= 00	x 18 =	00
INDEP.	01	MINUS	3	= 00	x 86 =	00
[ ] First presentation of multiple dependent claim					\$290 =	
Basic Filing Fee under 37 C.F.R. §1.16(a)					\$770 =	770.00
TOTAL						770.00
SMALL ENTITY 50% FILING FEE REDUCTION (if applicable)						

- ☒ Check No.9070 in the amount of \$770.00 is enclosed.
- ☒ The Commissioner is authorized to charge any fees beyond the amount enclosed which may be required, or to credit any overpayment, to Deposit Account No. 500388 (Order No. UDL1P063C1).

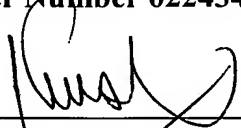
General Authorization for Petition for Extension of Time (37 CFR §1.136)

☒ Applicants hereby make and generally authorize any Petitions for Extensions of Time as may be needed for any subsequent filings. The Commissioner is also authorized to charge any extension fees under 37 CFR §1.17 as may be needed to Deposit Account No. 500388 (Order No. UDL1P063C1).

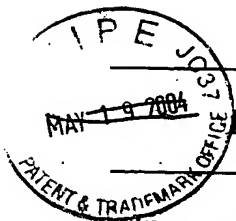
☒ Please send correspondence to the following address:

**Customer Number 022434**

Date: May 18, 2004

  
\_\_\_\_\_  
James E. Austin  
Registration No. 39,489

5-20-04



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: ALMOND et al.

Attorney Docket No.: UDL1P063

Application No.: 09/866,461

Examiner: Sirmons, Kevin C.

Filed: May 24, 2001

Group: 3763

Title: SURGICAL SEAL

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first-class mail on May 18, 2004 in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

Signed: \_\_\_\_\_

Tara Hayden

**PETITION AND FEE FOR EXTENSION OF TIME TO MAINTAIN PARENT CASE  
WHICH IS TO BE ABANDONED WHEN FILING NEW  
APPLICATION CLAIMING ITS BENEFIT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated November 21, 2003, Applicant petitions for an extension of time under 37 CFR 1.136(a) for the total number of months checked below:

<u>Months</u>	<u>Large Entity</u>	<u>Small Entity</u>
<input type="checkbox"/> one	\$110.00	\$55.00
<input type="checkbox"/> two	\$420.00	\$210.00
<input checked="" type="checkbox"/> three	\$950.00	\$475.00
<input type="checkbox"/> four	\$1480.00	\$740.00

If an additional extension of time is required, please consider this a petition therefor.

Our Check for \$950.00 is hereby enclosed for payment of the Petition for a (three) Month Extension. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 500388 (Account No. UDL1P063).

Respectfully submitted,  
BEYER WEAVER & THOMAS, LLP

James E. Austin  
Registration No. 39,489

P.O. Box 778  
Berkeley, CA 94704-0778  
(510) 843-6200

**COPY**